



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 13, 2025

By ECF

The Honorable Jennifer L. Rochon
United States District Judge
500 Pearl Street
New York, NY 10007

Re: *Natural Resources Defense Council, Inc. v. United States Department of Energy*,
No. 24 Civ. 2113 (JLR)

Dear Judge Rochon:

This Office represents the Department of Energy (the “Government” or “DOE”) in the above-referenced action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* I write jointly on behalf of the Government and Plaintiff Natural Resources Defense Council (“Plaintiff” or “NRDC”), pursuant to the Stipulation and Order Regarding Processing Schedule (ECF No. 27) and the Court’s December 23, 2024 Order (ECF No. 43), to update the Court on the status of the Government’s response to Plaintiff’s FOIA request to DOE, dated December 6, 2021, and labeled #HQ-2022-00231-F (the “December 2021 Request”), and Plaintiff’s FOIA request to DOE, dated July 16, 2024, and labeled #HQ-2024-02506-F (the “July 2024 Request”) (together, the “Requests”).

With respect to the December 2021 Request, on September 6, 2024, following a review of 468 pages of potentially responsive records, DOE released 59 pages. On October 7, 2024, following a review of 500 pages of potentially responsive records, DOE released 30 pages. On November 7, 2024, following a review of 500 pages of potentially responsive records, DOE released 26 pages. On December 9, 2024, following a review of approximately 718 pages of potentially responsive records, DOE released 108 pages of requested attachments.¹ The remaining pages were determined to be duplicative or not responsive. On January 9, 2025, DOE produced to Plaintiff the final attachment that was requested. DOE has thus completed its response to the December 2021 Request. Plaintiff is evaluating whether any disputes remain as to the December 2021 Request.

Plaintiff and DOE have come to an agreement with respect to the scope of the search for the July 2024 Request, as memorialized in the January 8, 2025 email from D. Kumar to C. Jathan and S. Tallman. DOE intends to run the agreed-upon search shortly. The parties have yet to discuss a production schedule for the July 2024 Request and will do so when DOE runs the search to identify the total number of potentially responsive records. DOE has yet to make a determination on NRDC’s request for a fee waiver for the July 2024 request.

¹ Pursuant to an agreement with NRDC regarding the December 2021 Request, DOE has not been processing attachments to emails unless NRDC notifies DOE that it wishes any specific attachments to be processed.

We thank the Court for its attention to this matter.

Respectfully,

EDWARD Y. KIM
Acting United States Attorney

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cc: Plaintiff's Counsel (By ECF)